

Penalty for not keeping the public arms in order.

7. Every non-commissioned officer and private, belonging to any company equipped with public arms, shall keep and preserve his arms and accoutrements in good order, and in a soldier-like manner ; and for every refusal or neglect to do so, shall be fined by the court martial of his company, a sum not less than two nor more than ten dollars ; which fines shall be laid out by the captains for the repairs of said arms ; and if a company, so equipped, shall generally keep their arms in a negligent and unsoldier-like manner, the colonel, to whose regiment the said company belongs, shall and may deprive said company of the public arms and accoutrements, and bestow them on some other company belonging to his regiment ; which last mentioned company shall receive, keep, and deliver said arms and accoutrements, on the same terms, and under the same regulations prescribed by this act.

Penalty for selling or embezzling the public arms.

8. If any person or persons, to whom the public arms and accoutrements, or any of them, shall be confided, shall sell, or in any manner embezzle the same, or any part thereof, and be thereof convicted in any court of record, he or they shall forfeit and pay, by sentence of said court, for the use of the State, a sum not less than twenty dollars, nor more than fifty dollars, for every stand of arms and accoutrements so embezzled or sold ; and shall moreover be imprisoned for a period not less than one month, nor more than six months, and any person or persons purchasing any of said public arms and accoutrements, knowing them so to be, shall be prosecuted in the same manner ; and shall, on conviction, be liable to like penalties and imprisonments as the seller or embezzler thereof.

On the death, &c. of a private, his arms to be taken and delivered to the person succeeding him.

9. When any non-commissioned officer or private, belonging to any of the said companies, shall die, remove from any county, or be excused from performing military duty, it shall be the duty of the captain of the company, to which he belonged, immediately to take the arms and accoutrements of the person so dying, removing or excused, into his possession, and deliver them to whoever shall succeed thereto in said company ; and the said captain shall keep the said arms and accoutrements safely and in good order, while they remain in his possession.

Militia officers to demand the public arms when in the possession of those to whom they were not distributed.

10. It may be lawful, and shall be the duty of every commissioned officer of the militia of this State, whenever and wherever he shall see or learn that any of the arms belonging to the State, are in the possession of any person other than in whose hands they may be placed for safe keeping, under the provisions of this act, to make immediate demand of such arms, either personally or in writing ; and should such person refuse to deliver up such arms to the officer demanding the same, he shall be subject to the same fines and penalties, as are prescribed in this act, for selling or embezzling said public arms.

Detachments ordered into

11. The governor shall have power to order the colonel com-

- 7. 1831, c. 45, s. 4.
- 8. 1831, c. 45, s. 5.
- 9. 1831, c. 45, s. 6.
- 10. 1831, c. 45, s. 7.
- 11. 1831, c. 45, s. 8.